

REMARKS**I. Introduction**

In response to the pending Office Action, Applicants have cancelled claims 19 and 20, without prejudice, and have amended claim 18 so as to more specifically recite the intended subject matter of the invention. No new matter has been added.

Applicants also note that an Information Disclosure Statement (IDS) was filed in the above-identified application on November 17, 2000 along with a corresponding PTO-1440 form. However, when the PTO-1449 form was returned to the Applicants, one of the references, JP 10-104715, was not initialed by the Examiner. It would appear that this was an inadvertent oversight. As such, it is respectfully requested that the Examiner initial the JP 10-104717 reference on the PTO-1449 form and return it to the Applicants so that the Applicants can confirm that the reference has been considered. If for any reason the Examiner needs another copy of the PTO-1449 form or the reference, the Examiner is respectfully requested to contact the undersigned attorney so that copies may be provided.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art reference.

II. The Rejection Of Claims 1-23 Under 35 U.S.C. § 102

Claims 1-23 were rejected under 35 U.S.C. § 102 as being anticipated by USP No. 6,262,763 to Totsuka. Applicants respectfully submit that all pending claims are patentable over Totsuka for at least the following reasons.

A. Claim 1

As recited by claim 1, the present invention relates to an image processor comprising an image synthesizer which generates a scale image representing the actual size at a position on the original image presented on the display, and which combines the scale image with the original image. The foregoing is illustrated in Figs. 3a-3f of the application, which shows a ruler (i.e., the scale image) superimposed on the original image (i.e., the table).

Turning to Totsuka, at a minimum, the reference does not disclose or suggest the generation of a scale image, nor combining the scale image and the original image on the display screen. Totsuka simply discloses a technique for adjusting the size of the original image as shown on the screen such that the image is displayed on the screen in its actual size. Nowhere does it appear that Totsuka discloses also displaying a scale image on the screen in addition to the original image. Thus, for this reason alone, Totsuka fails to disclose each element recited by claim 1.

Accordingly, as anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), for the foregoing reasons, it is clear that Totsuke does not anticipate amended claim 1, or any claim dependent thereon.

B. Claim 10

As recited by claim 10, the present invention relates to an image synthesizer that combines respective images of multiple objects together such that at least one of the object

images is scaled up or down according to a desired size relationship, and that a synthesized image, obtained by combining the multiple images together, is presented on the display.

In contrast, Totsuka does not disclose combining images, one of which is scaled up or down in size, or displaying combined images. As noted above, Totsuka simply discloses a technique for adjusting the size of the original image as shown on the screen such that the image is displayed on the screen in its actual size. Thus, at a minimum, Totsuka fails to disclose this element of claim 10, and therefore fails to anticipate claim 10.

C. Claim 18

As recited by claim 18, the present invention relates to an image processor having an image synthesizer which generates an image, representing the object substantially in its real size when presented on the display, by scaling the image up or down in accordance with three-dimensional positional information of the object obtained from the image of the object, such as the image captured by the range-finder.

In contrast, it appears in Totsuke's device that the three dimensional positional information is obtained from the auto-focus data of the camera and not the image of the object. Accordingly, Totsuke fails to disclose at least the foregoing limitation recited by claim 18, and therefore fails to anticipate claim 18.

D. Claim 23

Similar to claim 10, claim 23 relates to an image processor having an image synthesizer which combines respective images of multiple objects together in accordance with three-dimensional positional information of the objects so that alignment points specified at the respective images coincide with each other in three-dimensional position and in such a manner as

to meet a desired size relationship three-dimensionally by processing the respective images to have the same focal length.

In contrast, as noted above, at a minimum, Totsuka does not disclose combining images of multiple objects. As such, Totsuka also necessarily fails to disclose combining multiple objects in accordance with three-dimensional positional information of the objects so that alignment points specified at the respective images coincide with each other in three-dimensional position. As noted above, Totsuka simply discloses a technique for adjusting the size of the original image as shown on the screen such that the image is displayed on the screen in its actual size. Thus, at a minimum, Totsuka fails to disclose this element of claim 23, and therefore fails to anticipate claim 23.

III. All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 1, 10, 18 and 23 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

IV. Conclusion

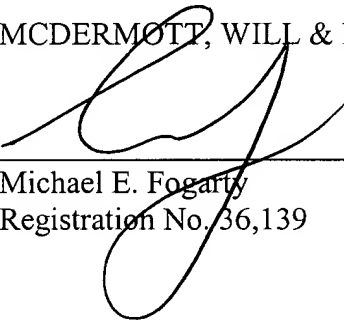
Applicant respectfully submits that the application is in condition for allowance, an early indication thereof is respectfully solicited. Should the Examiner have any questions or concerns

regarding the amendments presented herein, the Examiner is invited to contact the undersigned representative of the Applicant.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: March 15, 2004

WDC99 882544-1.060188.0425